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VIA ECF

August 4, 2022

The Honorable Katherine Polk Failla
United States District Court
Southern District of New York
40 Foley Square, Room 2103
New York, NY 10007

**Re: *Iowa Pub. Emps. 'Ret. Sys. et al. v Bank of Am. Corp. et al.*,
No. 1:17-cv-06221-KPF-SLC (S.D.N.Y.)**

Dear Judge Failla:

We write in response to Plaintiffs' letter concerning Defendants' request for leave to file excess pages. Dkt. 570. Instead of addressing whether Defendants have good grounds for requesting leave to file a 50-page consolidated brief, Plaintiffs effectively cross-moved for page limits of 40, 50 and 10. Such a request, however, is premature and inappropriate. All that needs to be decided now is whether Defendants should be granted 50 pages—which they should be for the reasons set forth in Defendants' preceding letter. Dkt. 569.

To the extent, however, that the Court wishes to address page limits for all three briefs now, Defendants respectfully submit that the Court should set page limits of 50, 50, and 25. As a threshold issue, there is nothing in Plaintiffs' counterproposal that justifies moving away from the standard practice of opening and opposition briefs being of equal length. Further, Plaintiffs' reflexive request for an equal number of total pages ignores the fact that, unlike Defendants, Plaintiffs are not the objecting parties here and do not face the task of responding to a 71-page Report and Recommendation. Indeed, the parties here are in a similar position to the position they would occupy in an appeal, in which the appellant's receipt of more total pages than the appellee is offset by the district court opinion in the appellee's favor.



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Respectfully submitted,

/s/ Staci Yablon

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